

## ***Bench Trial Decision Checklist***<sup>1</sup>

[MCL 600.2101](#)

[MCR 2.517](#)

### **DECISION:**

Generally. In a bench trial, “the court shall find the facts specially, state separately its conclusions of law, and direct entry of the appropriate judgment.” [MCR 2.517\(A\)\(1\)](#). “Brief, definite, and pertinent findings and conclusions on the contested matters are sufficient, without over elaboration of detail or particularization of facts.” [MCR 2.517\(A\)\(2\)](#). Articulation is designed to aid appellate review. *People v Johnson (On Rehearing)*, 208 Mich App 137, 141 (1994). Findings are sufficient if it appears that the court was aware of the issues and correctly applied the law. *In re Cotton*, 208 Mich App 180, 183 (1994).

### **DECISION CHECKLIST:**

Statement of Case;

Issues;

Applicable statutes, if any;

Applicable jury instructions;

Burden of proof;

Any presumptions which may apply;

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<sup>1</sup> See the Michigan Judicial Institute’s [Civil Proceedings Benchbook](#), for information on civil procedure.

Analysis;

Findings of facts covering essential elements and issues with a level of specificity that will disclose to a reviewing court the controlling choices made between competing factual assertions. *Holbern v Holbern*, 91 Mich App 566, 569 (1979).

Conclusions of law; and

Direct entry of the appropriate judgment.